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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 MICHAEL ALLAN CLARK,
10 Petitioner,
11 vs.
12 DWIGHT NEVEN, et al.,
13 Respondents.

Case No. 2:11-cv-00585-KJD-PAL
ORDER

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15 The court granted in part respondents' motion to dismiss (#46), and the court directed
16 petitioner to file a motion that indicated what he wanted to do with the unexhausted part of ground 2
17 of the amended petition (#35). Order (#57). Petitioner has submitted a motion for partial dismissal
18 of unexhausted ground part of ground two of amended petition (#58), with an accompanying
19 declaration signed by petitioner himself (#59). Respondents do not oppose the motion (#60). The
20 court grants the motion.

21 In the motion for partial dismissal, petitioner has rewritten ground 2 to remove the
22 unexhausted parts of the ground; that rewriting shall become the operative version of ground 2.

23 IT IS THEREFORE ORDERED that petitioner's motion for partial dismissal of unexhausted
24 ground part of ground two of amended petition (#58) is **GRANTED**.

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1 IT IS FURTHER ORDERED that respondents shall have forty-five (45) days from the date
2 of entry of this order to file and serve an answer, which shall comply with Rule 5 of the Rules
3 Governing Section 2254 Cases in the United States District Courts. Petitioner shall have forty-five
4 (45) days from the date on which the answer is served to file a reply.

5 DATED: May 16, 2014



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7 KENT J. DAWSON
8 United States District Judge
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